

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

UNITED STATES OF AMERICA       )  
  )  
          v.                               ) CRIMINAL ACTION NO.  
  )       3:05cr207-MHT  
JEAN PIERRE ARRUE                )

ORDER

This cause is before the court on the motion to continue filed by defendant Jean Pierre Arrue on July 26, 2006. This case is currently set for trial in the August 7, 2006 term. For the reasons set forth below, the court finds that the trial should be continued pursuant to 18 U.S.C.A. §§ 3161(h)(1)(H) and 3161(h)(8)(B)(i).

While the granting of a continuance is left to the sound discretion of the trial judge, United States v. Stitzer, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C.A. § 3161. The Act provides in part as follows:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an

offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). However, the Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(8)(A).

This court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and Arrue in a speedy trial. The parties have reached a verbal agreement to resolve this case. However, Arrue is currently serving a federal sentence in California. The Marshal Service has indicated that it can transport Arrue to Alabama to enter his plea on August 21, 2006, after the date for which his trial is currently scheduled.

Accordingly, it is ORDERED that defendant Jean Pierre Arrue's motion to continue (Doc. No. 113) is granted, and that his trial is continued to the criminal term of court beginning on November 6, 2006, at 10:00 a.m.

DONE, this the 28th day of July, 2006.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE